# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/917,261 | 07/26/2001 | David A. Orbits | 40062.91US01 | 7808 |

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| EXAMINER |
|---|
| ABEL JALIL, NEVEEN |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2175 | |

DATE MAILED: 04/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☒ Claim(s) *7-17* is/are allowed.

6) ☒ Claim(s) *1-6 and 18-20* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All  b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5* .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

## DETAILED ACTION

### *Specification*

1.      The title of the invention is not descriptive.  A new title is required that is clearly

indicative of the invention to which the claims are directed.  The following title is suggested:

System and method for replicating data with a version update using GUID.


### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by <u>Norin

et al.</u> (U.S. Patent No. 5,787,247).


As to claim 1, <u>Norin et al.</u> discloses a computer-implemented (See column 34, lines 14-

20) method of replicating data from a first member of a replica set to a second member of a

replica set (See column 8, lines 1-29), comprising:

creating a manifest file at the first member (See column 9, lines 14-50, wherein "manifest

file" reads on "dataset" including listed six entries in lines 35-40), the manifest file including an

identifier for each of a plurality of resources that exist at the first member (See column 9, lines

50-65, wherein "manifest file" reads on "data set" including listed six entries in lines 35-40);

causing the manifest file to be reproduced at the second member of the replica set;

in response to the manifest file being reproduced at the second member (See column 10, lines 9-27, wherein "be reproduced" reads on "replication of the data set", and wherein "second member" reads on "replica nodes"),

identifying whether each resource identified in the manifest file exists at the second member (See column 15, lines 36-60, wherein "identifying whether each resource" reads on initiated when a certain event occurs or when or more conditions are satisfied", and wherein "second member" reads on replica nodes"); and

if a first resource identified in the manifest file does not exist at the second member, preventing a second resource identified in the manifest file from being executed until the first resource does exist at the second member (See column 16, lines 15-65, also see column 5, lines 23-61, wherein "the manifest file does not exist" reads on removal of the data set", and wherein "second member" reads on "replica node", and wherein "executed" reads on "add function").

As to claim 2, <u>Norin et al.</u> discloses wherein identifying whether each resource exists at the second member includes comparing information in the manifest file with information stored at the second member (See column 14, lines 1-24, wherein "manifest file" reads on "data set"), the information stored at the second member identifying a plurality of resources stored at the second computer (See column 2, lines 40-49, wherein "second computer" reads on computer on "network").

As to claim 3, <u>Norin et al.</u> discloses wherein the identifier for each resource includes a version identifier associated with the resource (See column 9, lines 66-67, and column 10, lines 1-6, wherein "resource" reads on "data set properties").

As to claim 4, <u>Norin et al.</u> discloses wherein identifying whether each resource exists at the second member includes comparing the version identifier for the resource with another version identifier associated with another copy of the resource stored at the second member (See column 9, lines 66-67, and see column 10, lines 1-15, also see column 29, lines 55-67).

As to claim 5, <u>Norin et al.</u> discloses further comprising if the first resource does not exist at the second member, awaiting receipt of the first resource at the second member and (See column 16, lines 15-35, wherein "does not exist" reads on "may be safely deleted", and wherein "awaiting receipt" reads on "verifying"), in response to receiving the first resource at the second member, executing the second resource (See column 5, lines 39-53, wherein "executing" reads on "access").

As to claim 6, <u>Norin et al.</u> discloses further comprising if the first resource does not exist at the second member (See column 10, lines 53-67), awaiting receipt of every resource identified in the manifest file 9See column 10, lines 8-15, wherein "manifest file" reads on "dataset"), and in response to a final resource identified in the manifest file being received at the second member, executing the second resource (See column 5, lines 39-53, wherein "executing" reads on "access").

As to claim 18, <u>Norin et al.</u> discloses a computer-readable medium having computer-executable instructions (See column 34, lines 14-23, wherein "executable instructions" reads on "code") for facilitating the replication of data from a first member of a replica set to a second member of the replica set (See column 8, lines 1-29), comprising:

receiving a notice that a resource in a group of resources is being modified, the group of resources being interrelated such that a proper functioning of the group of resources is dependent on a similar version of each resource in the group of resources coexisting (See column 8, lines 65-67, and column 9, lines 1-13, wherein "receiving a notice" reads on "broadcasts new changes", and wherein "similar version" reads on "having a copy");

in response to the notice, issuing an instruction to create a manifest file; and adding to the manifest file an identifier for each resource in the group of resources (See column 9, lines 50-65, wherein "manifest file" reads on "data set" including listed six entries in lines 35-40).

As to claim 19, <u>Norin et al.</u> discloses wherein adding the identifier for each resource to the manifest file further comprises adding to the manifest file a globally-unique identifier for each resource (See column 9, lines 15-60, wherein "adding" reads on "each ID could be drawn from the globally...clock", and wherein "manifest file" reads on "data set" including six entries in lines 35-40).

As to claim 20, <u>Norin et al.</u> discloses wherein adding the identifier for each resource to the manifest file further comprises adding to the manifest file a version identifier for each

resource (See column 9, lines 54-67, and column 10, lines 1-6, wherein "incremented every time

an ID is assigned", and wherein "manifest file" reads on "data set").

### *Allowable Subject Matter*

2.      Claims 7-17 are allowed over the prior art of record.

3.      The following is a statement of reasons for the indication of allowable subject matter:

Parthesarathy et al. (U.S. Patent No. 6,353,926) a method for software update using

GUID representing the unique identifier to each version but Parthesarathy et al. does not indicate

the software update based on the specific four claimed fields as identified in claim 7.

The prior art of record Norin et al. U.S. Patent No. 5,787,247, and Parthesarathy et al.

(U.S. Patent No. 6,353,926) do not disclose, teach, or suggest the claimed limitations of (in

combination with all other features in the claim), a first field identifying the data structure as a

special data structure; and

a second field identifying a plurality of resources, at least two of the plurality of resources

being necessary for a proper functioning of the plurality of resources,

wherein, in response to determining that the data structure is a special data structure

based on the information stored in the first field, a service determines whether each of the

plurality of resources exists on the computer-readable medium, and if not, delays access to the

plurality of resources, as claimed in Independent claim 7 in conjunction with remaining claims provisions.

The dependent claims 8-17, being further limiting to the independent claims, definite and enabled by the Specification are also allowed.

## *Conclusion*

4.      The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Muyers et al. (U.S. Pub. 2001/0010046) teaches one or more servers are provided to update the infrastructure and inventory.

5.      Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114. The examiner can normally be reached on 8:00AM-4: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830.  The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Neveen Abel-Jalil
April 18, 2003

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